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COUNSEL/PARTIES OF RECORD	
JUN - 5 2019	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY _____

12 UNITED STATES DISTRICT COURT
13 DISTRICT OF NEVADA

14 MARK PREMO,

15 Plaintiff,

16 vs.

17 OPTIMUM CX, LLC, an Arizona limited
18 liability company fka FUSION CONTACT
19 CENTERS, LLC; DOES 1 through 10,
20 inclusive,

21 Defendants.

CASE NO. 3:19-cv-00121-MMD-CBC

**STIPULATION AND ORDER TO
EXCUSE ATTENDANCE AT INE
CONFERENCE**

22 COME NOW Defendant Optimum CX, LLC, f/k/a Fusion Contact Centers, LLC
23 ("Defendant") and Plaintiff Mark Premo ("Plaintiff"), by and through their respective attorneys of
24 record, Bruce C. Young, Esq. of Lewis Brisbois Bisgaard & Smith LLP and John D. Moore of
25 Moore Law Group, P.C., and hereby stipulate and request that this Court excuse Defendant's
26 representative for settlement from personal attendance at the Early Neutral Evaluation conference
27 and allow him to attend by telephone.

28 The Early Neutral Evaluation Conference for this matter is currently scheduled for June 18,
2019, at 9:00 a.m. before Magistrate Judge ~~William G. Cobb~~ ^{Robert A. McQuaid, Jr.} at the Bruce R. Thompson Federal
Courthouse, 400 S. Virginia Street, Reno, Nevada. The appropriate representative to appear on
behalf of Defendant with the requisite settlement authority is CEO Peter Claypatch. Mr.
Claypatch does not wish to attend in person for the following reason. On January 30, 2013, Mr.

1 Claypatch was in attendance at a mediation in a lawyer's office in Phoenix, Arizona, along with
2 the former CEO of Fusion Contact Centers and their attorney. Following the mediation, the
3 plaintiff laid in wait and shot Fusion's former CEO and their attorney, both of whom died. Mr.
4 Claypatch escaped with his life. For understandable reasons, Mr. Claypatch no longer wishes to
5 attend mediations in person and has been allowed to attend by telephone by other courts since that
6 traumatic incident. The only other officer of the company who would have authority to attend in
7 person resides in Florida. The parties agree that, given the circumstances, it would be acceptable
8 for Mr. Claypatch to attend the ENE conference by telephone.

9 Based on the above facts and circumstances, the parties stipulate and respectfully request
10 that this Court excuse Defendant's representative with authority to settle from personal attendance
11 at the Early Neutral Evaluation conference scheduled for June 18, 2019 and allow him to attend by
12 telephone.

13 DATED this 4th day of June, 2019.

DATED this 4th day of June, 2019

14 MOORE LAW GROUP, P.C.

LEWIS BRISBOIS BISGAARD & SMITH LLP

15 /s/ John D. Moore

/s/ Bruce C. Young

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Care, LLC d/b/a Spanish Hills Wellness Suites

22 **ORDER**

23 IT IS SO ORDERED:

24 
UNITED STATES MAGISTRATE JUDGE

25 DATED: 6/5/19